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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/829,240

04/22/2004

Helmut Fitz

2004-0577A

7223

513

7590

06/20/2006

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/829,240

Applicant(s)

FITZ, HELMUT

Examiner

Philip Gabler

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vorarlberg (Austrian Patent Number AT 004518) in view of Fleisch (US Patent Number 5895102). Vorarlberg (Figures 1-3) discloses an extension guide fitting for a drawer, comprising: an extension rail (4) to be attached to a drawer (10); a carrier rail (2) to be attached to a furniture body (9); a middle rail (3) arranged to run between said extension rail and said carrier rail; carriages (5, 6, 7) each having running rollers mounted therein for transmitting a load between said extension rail, said middle rail, and said carrier rail; and a stationary support roller (8) mounted (in member 12) at a front portion of said carrier rail and being arranged so that said extension rail runs on said stationary support roller and is supported by said stationary support roller at least when said extension rail is in a closed position; but does not disclose a rocker member or multiple stationary support rollers (although he does disclose multiple rollers). The use of rocker members in drawer guides is known in the art however, as shown by Fleisch, who (Figures 2-4) discloses a guide fitting for drawers including a rocker member (24, including 10, etc.) with multiple support rollers (11, 18, 25). Accordingly, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to use a rocker member and multiple support rollers on Vorarlberg's guide fitting as suggested by Fleisch rather than Vorarlberg's fixed mounting with a single stationary support roller because this arrangement would allow for better support of the drawer as well as better accommodating any slide member irregularities.

3. Regarding claim 11, Vorarlberg, as modified by Fleisch as described above, further discloses stationary support rollers arranged laterally adjacent to said middle rail (as Vorarlberg's support roller is, see Figure 2).

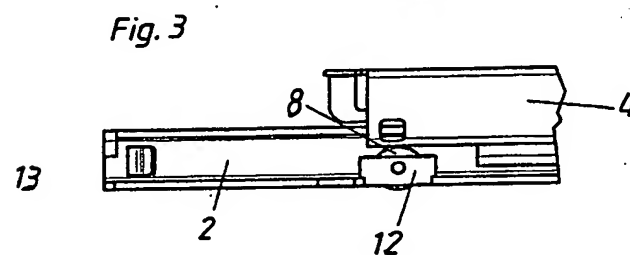
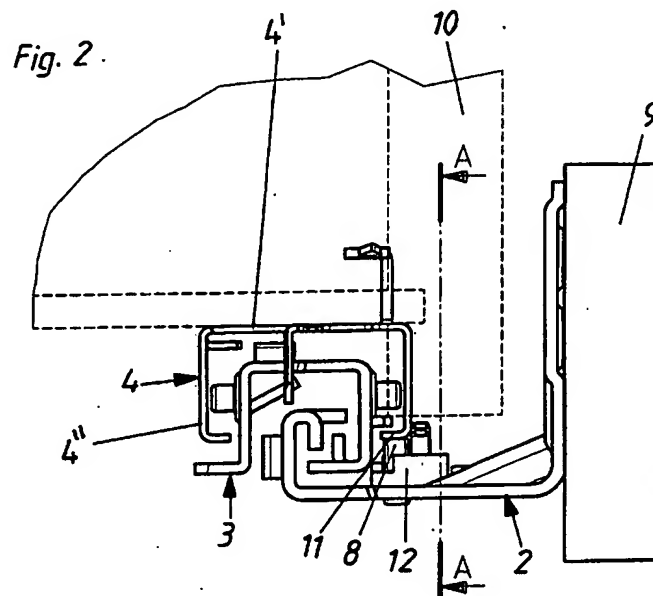
4. Regarding claims 12, 14, and 15, Vorarlberg, as modified by Fleisch as described above, further discloses three stationary support rollers (11, 18, 25 as in Fleisch's figures) mounted in a rocker member and arranged so that a first one (18) of said rollers is located behind a second one (25) of said rollers with respect to a direction of displacement of the drawer, and so that said second one of said rollers is located behind a third one (11) of said rollers with respect to the direction of displacement of the drawer; and said first support roller and said third support roller are mounted on support plates (as in Fleisch's figures, the sides of 10, 24) of said rocker member, and said second support roller is mounted at a central location on a shaft (rollers would necessarily be mounted on shafts, see Fleisch's Figure 4) of said rocker member.

5. Regarding claim 13, Vorarlberg, further discloses common plates (sides of 12) between which rollers are mounted.

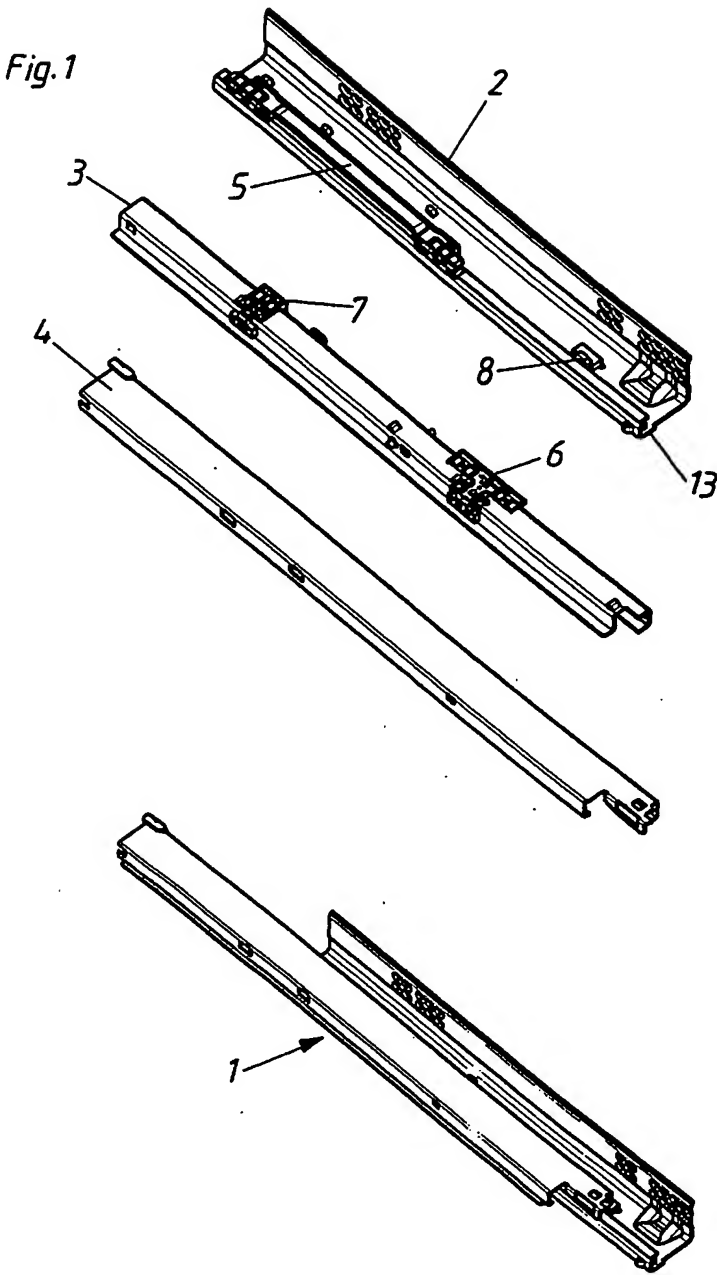
6. Regarding claims 16 and 17, Vorarlberg, further discloses a running limb (11) for contacting and being supported by a roller, wherein said running limb extends from a

side limb (side of 4 adjacent to member 11) of said extension rail so as to project toward and inside of said extension rail.

7. Regarding claim 18, Vorarlberg, as modified by Fleisch as described above, discloses a furniture piece comprising a drawer (10 of Vorarlberg); a furniture body (9 of Vorarlberg) in which said drawer is fitted; and a first extension guide fitting including: an extension rail attached to the drawer, a carrier rail attached to the furniture body, and a middle rail, carriages, a rocker member and support rollers as described above. A second extension guide fitting is not explicitly disclosed, however, such is inherent and necessary for proper operation of the drawer within the furniture.



Vorarlberg '518 Figures 2 and 3



Vorarlberg '518 Figures 2 and 3

FIG.2

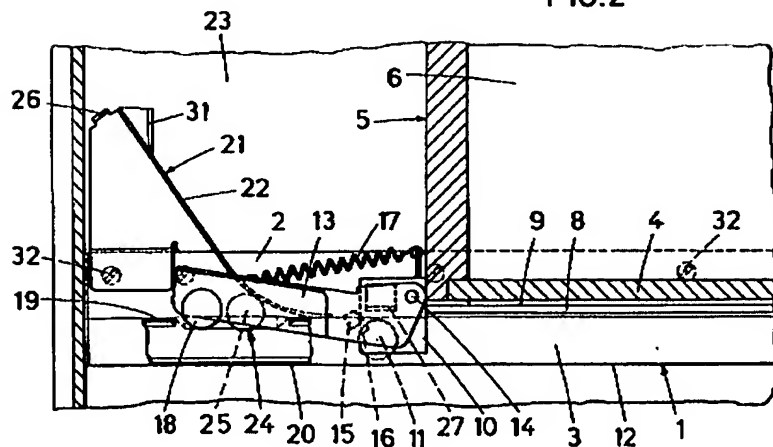


FIG.3

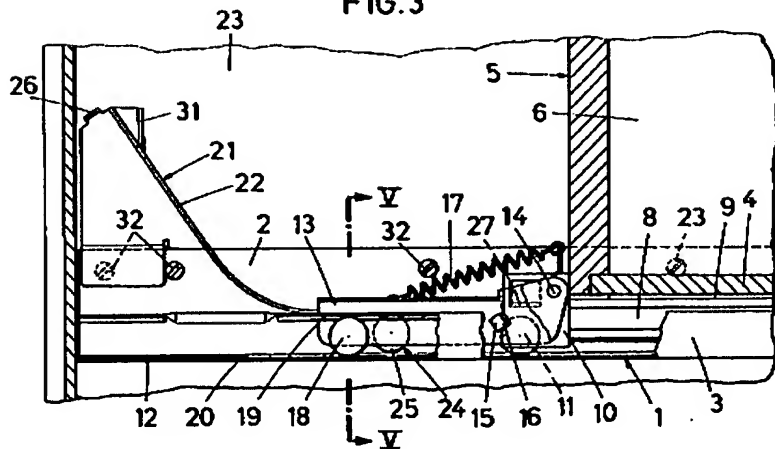
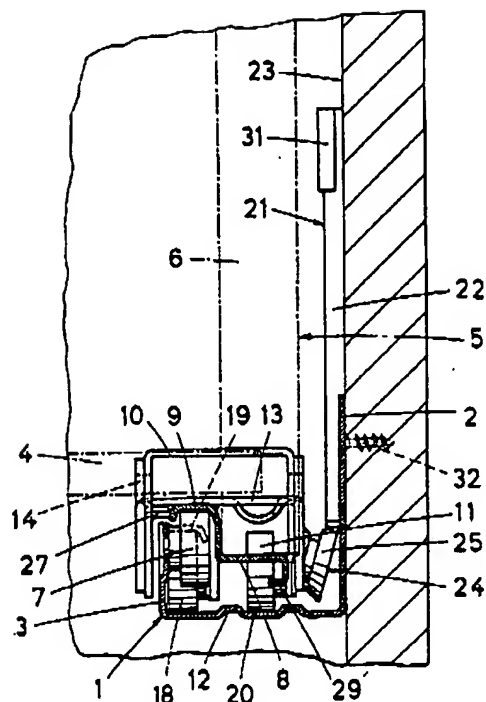


FIG.4



Fleisch '102 Figures 2-4

### Response to Arguments

8. Applicant's arguments, see the first two pages of the remarks, filed 25 April 2006, with respect to the drawing and specification objections and 35 USC 112 rejections of claims 1-9 have been fully considered and are persuasive. The objections to the drawings and specification, and the 35 USC 112 rejections of claims 1-9 have been withdrawn.

9. The remainder of Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG   
6/12/2006

  
JAMES O. HANSEN  
PRIMARY EXAMINER